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LB 85

little bit about litigation and the suggestion by Senator Wickersham that unless we change things there will be litigation or we will be encouraging litigation. I have trouble understanding that argument in the context of what he argues to be the reality out there in Nebraska. The reality out there in Nebraska is that there is absolutely nobody thinking about a private prison except some group in the Rushville-Chadron area. So the only parties that have an interest in this question would be that group, whoever they are. But Senator Wickersham has assured us that we don't need to pass a bill this year because that group is not going to do anything in the next year. They are the only people that would have an interest in litigation. So where is the litigation problem? We have at least a year's time to further consider what might be an issue with respect to federal prisoners. Senator Wickersham says he can get evidence for us, a letter for us that nothing is going to happen before the next legislative session. Why then are we concerned about possible litigation? What if Senator Wickersham is wrong? What if we do nothing and they quickly move ahead to get something done before we can do something? Then if they move ahead with contracts with other people, we may not only have federal prisoners here, which we may or may not be able to do anything about, but we may also have, they could also contract for prisoners from other states. Why would we want to leave ourselves open to a contract, a done deal, to take prisoners from other states? It would seem to me that we're better off putting into place what we can now and polishing, if we need to, next year. Nobody is prejudice. Nothing is going to happen in Rushville. We can do it. And I would like Senator Wickersham or others to also address the severability clause. Why would it not be effective? Why do we have to worry about the federal issue if we have a severability clause? That has not been responded to because I believe the argument that that severability clause protects us is correct. So again, I would urge you to reject the further suggestion that we essentially do the same thing that was rejected with the last amendment and rejected on Select File. Thank you.

PRESIDENT MAURSTAD: Thank you, Senator Beutler. The speaking order is Senator Schimek, Chambers, Wickersham, and Landis. Senator Schimek, on the motion to return LB 85 to Select File.